

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 18 AM 11:56

UNITED STATES OF AMERICA,

Plaintiff,

v.

Levi RAMOS-Gonzales,

Defendant

Magistrate Docket No. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 2545

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 17, 2008** within the Southern District of California, defendant, **Levi RAMOS-Gonzales**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **AUGUST 2008**



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

DOA

8/17/08 Ece

CONTINUATION OF COMPLAINT:
Levi RAMOS-Gonzales

PROBABLE CAUSE STATEMENT

At approximately 3:15 a.m. on August 17, 2008, Border Patrol Agent R. McArdle responded to a seismic device activation in the area of Tecate, California. This area is known for individuals illegally entering the United States. The area is located approximately 5 miles east of the Tecate, California Port of Entry and approximately .25 miles north of the United States - Mexico International Border. A Border Patrol Agent operating a night vision scope observed a large group of individuals walking north on a trail that comes from the area of the seismographic sensor. The Border Patrol Agent relayed to Agent McArdle the location of the group. Agent McArdle responded to the area and found fourteen individuals hiding in the brush. Agent McArdle identified himself as a Border Patrol Agent and questioned each of the individuals as to their citizenship and nationality. Each of the individuals, including one later identified as the defendant **Levi RAMOS-Gonzales**, stated that they were citizens and nationals of Mexico and entered the United States illegally without immigration documents. At approximately 4:30 p.m., all fourteen individuals, including the defendant, were arrested and transported to the Tecate Border Patrol Processing Facility in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 11, 2008 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.